

### **Remarks/Arguments**

Claims 1-33 are now pending in this application. In the November 25, 2005 Office Action, pending claims 1-33 were restricted to either claims 1-27 (species I) or claims 28-33 (species II). Claims 1, 2, 12, 13, 15, 16, 26, and 27 were also rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,748,524 to Stepp, III et al. (hereinafter "*Stepp*"). Claims 3-4, 6-8, 10-11, 14, 17-18, 20-22, and 24-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Stepp* in view of U.S. Patent No. 6,836,657 to Ji et al. (hereinafter "*Ji*"). Claims 5, 9, 19, and 23 were objected to as being dependent upon a rejected base claim, but indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Several objections to formalities in the specification and drawings were also made.

By this amendment, the applicants have affirmed the provisional election of species I for prosecution on the merits. Accordingly, claims 28-33 have been withdrawn from consideration. Claims 5, 9, 19, and 23 have been cancelled and new claims 34-37 have been added. Claims 1, 6, 8, 16, and 22 have also been amended. Following entry of this amendment, claims 1-4, 6-8, 10-18, 20-22, 24-27, and 34-37 will be pending in the present application. For the reasons set forth below, the applicants respectfully request reconsideration and immediate allowance of this application.

#### **Restriction Requirement**

During a telephone call with Examiner Bae on November 9, 2005, the undersigned provisionally elected species I (claims 1-27) for prosecution on the merits. By way of this paper, the applicants hereby affirm the provisional election of species I. The applicants have also amended the title of the application herein to reflect the election.

#### **Amendments to the Specification**

In the November 25, 2005 Office Action, the Examiner objected to the specification as inconsistently referring to the byte address and bit position of serial port 52B. In response, the applicants have herein amended the paragraph commencing at page 15, line 22, to correct the inconsistent reference. The applicants have also amended the specification to correct several additional typographical errors. No new matter has been added by way of these amendments. Accordingly, the applicants respectfully submit that all of the objections to the specification have been overcome.

Amendments to the Drawings

In the November 25, 2005 Office Action, the Examiner objected to Figures 4 and 5 of the drawings as failing to include reference signs 400 and 500, respectively. The Examiner also objected to the drawings as failing to show the correct map position for serial port 52B as described in the specification. Accordingly, the applicants have herewith submitted four sheets of replacement drawings that correct the defects noted by the Examiner and several additional typographical errors. In particular, Figure 2A has been amended to include reference numbers 52A-52C. Figure 2B has been amended to include reference numbers 52A-52C and to correct the map position for serial port 52B. Figure 3A has been amended to add a reference number to the byte 38. Figures 4 and 5 have been amended to add the reference signs 400 and 500, respectively. No new matter has been added to the replacement sheets. Accordingly, the applicants respectfully submit that all of the objections to the drawings have been overcome.

Allowable Subject Matter

In the November 25, 2005 Office Action, claims 5, 9, 19, and 23 were objected to as being dependent upon a rejected base claim, but indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In this regard, the applicants have cancelled claims 5, 9, 19, and 23 and added new claims 34-37. New claim 34 comprises original claim 5 rewritten in independent form including the recitations of claims from which it depended, new independent claim 35 comprises original claim 9 and the claims from which it depended, new independent claim 36 comprises original claim 19 and the claims from which it depended, and new claim 37 comprises original claim 23 and the claims from which it depended. Accordingly, in view of the previous indication of allowability and the foregoing amendment, the applicants submit that new claims 34-37 are in condition for immediate allowance.

Claim Rejections Under 35 U.S.C. 102(e)

In the November 25, 2005 Office Action, claims 1-2, 12-13, 15-16, and 26-27 were rejected under 35 U.S. C. 102(e) as being anticipated by *Stepp*. The applicants respectfully submit that *Stepp* does not teach, suggest, or describe each and every recitation of these claims. In particular, with respect to independent claim 1, *Stepp* does not teach, suggest, or describe “detecting a layout of present configuration data,” “detecting a layout of updated configuration data,” or “comparing the layout of the present configuration data to the layout of the updated

configuration data.” (emphasis added). Rather, *Stepp* teaches maintaining a history of changes made to the contents of a computer’s CMOS registers. Col. 2, lines 7-14. *Stepp* also describes comparing the current contents of a computer’s CMOS registers to previously stored values for the CMOS registers to determine if the current contents of the CMOS registers match the stored contents. (“Typically, the file should match the contents of the current CMOS registers. However, if the CMOS registers have been altered...they will not match.”) Col. 5, lines 18-35; Fig. 4A. *Stepp* therefore teaches comparing stored and current CMOS values. *Stepp* does not teach detecting a layout of present and updated configuration data and comparing the detected layouts as recited in independent claim 1.

*Stepp* also does not teach “the updated configuration data being contained within executable program code comprising an updated configuration for the computer system” as recited in independent claim 1. *Stepp* teaches comparing the current contents of a computer’s CMOS registers to previously stored values for the CMOS registers. Neither the contents of the CMOS registers nor the previously stored values described by *Stepp* are “contained within executable program code comprising an updated configuration for the computer system” as recited by amended independent claim 1. Accordingly, *Stepp* does not teach, suggest, or describe each and every element of amended independent claim 1. The applicants therefore submit that this claim is in condition for immediate allowance.

*Stepp* also does not teach, suggest, or describe each recitation of independent claim 16. In particular, *Stepp* does not teach a processor operative to “detect a layout of the present configuration data;” “detect a layout of the updated configuration data;” and to “compare the layout of the present configuration data to the layout of the updated configuration data” as recited by claim 16. (emphasis added). As discussed above with respect to claim 1, *Stepp* describes comparing CMOS values, and does not describe comparing the layout of current and updated configuration data. Accordingly, *Stepp* does not teach these recitations of claim 16. *Stepp* also does not teach “storing executable program code including updated configuration data for the computer system” as recited by amended independent claim 16. Accordingly, the applicants submit that *Stepp* does not teach each and every recitation of claim 16 and that this claim is in condition for immediate allowance.

The applicants further submit that claims 2, 12-13, 15, and 26-27 are also patentable because they contain recitations not taught by *Stepp* and because these claims depend from

allowable independent claims. Accordingly, the applicants submit that claims 1-2, 12-13, 15-16, and 26-27 are in condition for immediate allowance.

Claim Rejections Under 35 U.S.C. 103(a)

In the November 25, 2005 Office Action, claims 3-4, 6-8, 10-11, 14, 17-18, 20-22, and 24-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Stepp* in view of *Ji*. The applicants respectfully submit that *Stepp* and *Ji* do not separately or together teach, suggest, or describe each recitation of these claims, even if combined in the manner suggested by the Examiner. In particular, with respect to claims 3 and 17, neither *Stepp* nor *Ji* teach detecting a layout of present configuration data by detecting a first numerical value representing the layout of the present configuration data. As discussed above with respect to independent claim 1, *Stepp* does not teach detecting a layout of configuration data. Rather, *Stepp* teaches comparing stored CMOS values with current CMOS values. This teaching does not include detecting a layout of configuration data. Accordingly, *Stepp* does not teach this recitation. This recitation is also not taught by *Ji*. Accordingly, even if combined in the manner suggested by the examiner, neither *Stepp* nor *Ji* teach each recitation of dependent claims 3 and 17. For this same reason, neither *Stepp* nor *Ji* teach the recitation of claims 6 and 20 for retrieving the layout of the present configuration data from the computer system prior to determining the first numerical value or the recitation of claims 7 and 21 for detecting a layout of the updated configuration data by detecting a second numerical value representing the layout of the updated configuration data.

With respect to claims 8 and 22, neither *Stepp* nor *Ji* teach the recitation of these claims for storing the second numerical value in the executable program code including updated configuration data for the computer system. As discussed above with respect to claim 1, *Stepp* does not teach updated configuration data being contained within executable program code comprising an updated configuration for the computer system. This recitation is also not taught by *Ji*. Accordingly, these references also do not teach storing the second numerical value in the executable program code including updated configuration data for the computer system as recited in claims 8 and 22. The applicants respectfully submit, therefore, that the cited references do not teach each and every recitation of these claims, either alone or in combination, and that these claims are therefore in condition for allowance.

The applicants further submit that claims 4, 10-11, 14, 18, are also patentable because they depend from allowable independent claims. Accordingly, the applicants submit that claims 3-4, 6-8, 10-11, 14, 17-18, 20-22, and 24-25 are in condition for immediate allowance.

**Conclusion**

In view of the foregoing amendment and remarks, the applicants respectfully submit that all of the pending claims in the present application are in condition for allowance. Reconsideration and reexamination of the application and allowance of the claims at an early date is solicited. If the Examiner has any questions or comments concerning this matter, the Examiner is invited to contact the applicants' undersigned attorney at the number below.

Respectfully submitted,

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